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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,859	01/16/2004	Rafael Graniello Cabezas	AUS920030991US1	8006

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EXAMINER	
MANOSKEY, JOSEPH D	

ART UNIT	PAPER NUMBER
2113	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/758,859	CABEZAS ET AL.	
	Examiner	Art Unit	
	Joseph D. Manoskey	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/16/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because:
> Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawanaka, U.S. Patent 6,493,340 in view of Celebioglu et al., U.S. Patent App. Pub. 2003/0021272, hereinafter referred to as "Celebioglu".

5. Referring to claim 1, Kawanaka teaches a method of automatically detecting a data transmission unit with a duplicated network address and displaying an address duplication message, this is interpreted as a method for providing enhanced error information for duplicated addresses in a computer network (See Col. 1, lines 8-13 and Col. 5, lines 12-13). Kawanaka teaches receiving a packet and extracting identification and address information, and searching a previously prepared table for identification and address information for comparison, this is interpreted as receiving a plurality of packets encoded according to a first protocol, extracting a first source address from said packets according to said first protocol; and determining that said first source address is a substantial duplicate of a known assigned address (See Col. 3, lines 1-12). Finally Kawanaka teaches displaying an address duplication message, this is interpreted as providing said first source address to an error log which is reviewable by a system administrator in order to facilitate correction of said duplicate assigned address (See Col. 5, lines 12-13).

Kawanaka does not disclose said packets encapsulating data encoded according to a second protocol; responsive to determination of said first source address being a duplicate address, extracting a second source address from said encapsulated data according to said second protocol; and providing said second source address to an

error log, however Kawanaka does teach the system being compatible with the OSI model with seven layers (See Col. 4, lines 8-17). Celebioglu teaches detecting a first protocol and a second protocol associated with a packet; and accessing the header of the first protocol and the header of the second protocol within the packet which includes destination and origination addresses (See paragraph 0004 and 0019). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the extracting of the address upon duplicated addresses of Kawanaka, with the two protocols both with addresses of Celebioglu. This would have been obvious to one of ordinary skill in the art at the time of the invention packets include protocols from multiple layers, from physical layer and data link layer to network layer and transport layer (See Celebioglu, paragraphs 0025 to 0030).

6. Referring to claim 2, Kawanaka and Celebioglu teach all the limitations (See rejection of claim 1) including the protocols including Fibre Channel, Ethernet, Internet Protocol and point-to-point, this is interpreted as wherein said first protocol is selected from the group of Ethernet, Bluetooth, Universal Serial Bus, Internet Protocol, Wireless local area network, Point-to-Point Protocol, Fiber Distributed Data Interface, Asynchronous Transfer Mode, and Fiber Channel (See Kawanaka, Col. 4, lines 8-17 and Celebioglu, paragraphs 0025 to 0030).

7. Referring to claim 3, Kawanaka and Celebioglu teach all the limitations (See rejection of claim 1) including the protocols including Fibre Channel, Ethernet, Internet

Protocol and point-to-point, this is interpreted as wherein said second protocol is selected from the group of Ethernet, Bluetooth, Universal Serial Bus, Internet Protocol, Wireless local area network, Point-to-Point Protocol, Fiber Distributed Data Interface, Asynchronous Transfer Mode, and Fiber Channel (See Kawanaka, Col. 4, lines 8-17 and Celebioglu, paragraphs 0025 to 0030).

8. Referring to claim 4, Kawanaka and Celebioglu discloses all the limitations (See rejection of claim 1) including detecting other protocols using other headers beyond the first and second, this is interpreted as further comprising the steps of: extracting one or more subsequent source addresses from data further encapsulated by said second protocol according to one or more subsequent protocols; and providing said subsequent sources addresses in an error log (See Celebioglu, paragraph 0019).

9. Referring to claim 5, Kawanaka and Celebioglu teach all the limitations (See rejection of claim 1) including the packet including an indication of protocol that may be used to determine one or more protocols associated with the packet, this is interpreted as wherein said step of extracting a second source address from said encapsulated data according to said protocol comprises automatically determining the format of said second protocol based upon an analysis of data encapsulated in said packets, and by comparison to data patterns for known protocols (See Celebioglu, paragraph 0019).

10. Referring to claim 6, Kawanaka and Celebioglu disclose all the limitations (See rejection of claim 1) including upon detecting network address duplication determining the MAC address of the device, this interpreted as using said extracted second source address in a name server query; receiving a name associated with said first source address in response to said name server query; and providing received name in said error log (See Kawanaka, Col. 3, lines 22-28).

11. Referring to claim 7, Kawanaka and Celebioglu teach all the limitations (See rejection of claim 6) including detection functions even when the network contains a WAN, this is interpreted as wherein said step of using said extracted second source address in a name server query comprises using said second source address in an Internet Domain Name Service Query (See Kawanaka, Col. 3, lines 22-31).

12. Referring to claim 8, Kawanaka and Celebioglu disclose all the limitations (See rejection of claim 1) including updating the NSAP-MAC address table, this is interpreted as commanding one or more devices sharing said duplicate address to assume an alternate network address (See Kawanaka, Col. 5, lines 1-22).

13. Referring to claim 9, Kawanaka teaches a method of automatically detecting a data transmission unit with a duplicated network address and displaying an address duplication message, the method being implemented in a computer environment, this is interpreted as a computer readable medium encoded with software for providing

enhanced error information for duplicated addresses in a computer network (See Fig. 1 and Col. 1, lines 8-13 and Col. 5, lines 12-13). Kawanaka teaches receiving a packet and extracting identification and address information, and searching a previously prepared table for identification and address information for comparison, this is interpreted as receiving a plurality of packets encoded according to a first protocol, extracting a first source address from said packets according to said first protocol; and . determining that said first source address is a substantial duplicate of a known assigned address (See Col. 3, lines 1-12). Finally Kawanaka teaches displaying an address duplication message, this is interpreted as providing said first source address to an error log which is reviewable by a system administrator in order to facilitate correction of said duplicate assigned address (See Col. 5, lines 12-13).

Kawanaka does not disclose said packets encapsulating data encoded according to a second protocol; responsive to determination of said first source address being a duplicate address, extracting a second source address from said encapsulated data according to said second protocol; and providing said second source address to an error log, however Kawanaka does teach the system being compatible with the OSI model with seven layers (See Col. 4, lines 8-17). Celebioglu teaches detecting a first protocol and a second protocol associated with a packet; and accessing the header of the first protocol and the header of the second protocol within the packet which includes destination and origination addresses (See paragraph 0004 and 0019). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the extracting of the address upon duplicated addresses of Kawanaka, with the two

protocols both with addresses of Celebioglu. This would have been obvious to one of ordinary skill in the art at the time of the invention packets include protocols from multiple layers, from physical layer and data link layer to network layer and transport layer (See Celebioglu, paragraphs 0025 to 0030).

14. Referring to claim 10, Kawanaka and Celebioglu teach all the limitations (See rejection of claim 1) including the protocols including Fibre Channel, Ethernet, Internet Protocol and point-to-point, this is interpreted as wherein said software is configured to extract said first source address according to a first protocol selected from the group of Ethernet, Bluetooth, Universal Serial Bus, Internet Protocol, Wireless local area network, Point-to-Point Protocol, Fiber Distributed Data Interface, Asynchronous Transfer Mode, and Fiber Channel (See Kawanaka, Col. 4, lines 8-17 and Celebioglu, paragraphs 0025 to 0030).

15. Referring to claim 11, Kawanaka and Celebioglu teach all the limitations (See rejection of claim 1) including the protocols including Fibre Channel, Ethernet, Internet Protocol and point-to-point, this is interpreted as wherein said software is configured to extract said second source address according to a second protocol selected from the group of Ethernet, Bluetooth, Universal Serial Bus, Internet Protocol, Wireless local area network, Point-to-Point Protocol, Fiber Distributed Data Interface, Asynchronous Transfer Mode, and Fiber Channel (See Kawanaka, Col. 4, lines 8-17 and Celebioglu, paragraphs 0025 to 0030).

16. Referring to claim 12, Kawanaka and Celebioglu discloses all the limitations (See rejection of claim 1) including detecting other protocols using other headers beyond the first and second, this is interpreted as further comprising software for performing the steps of: extracting one or more subsequent source addresses from data further encapsulated by said second protocol according to one or more subsequent protocols; and providing said subsequent sources addresses in an error log (See Celebioglu, paragraph 0019).

17. Referring to claim 13, Kawanaka and Celebioglu teach all the limitations (See rejection of claim 1) including the packet including an indication of protocol that may be used to determine one or more protocols associated with the packet, this is interpreted as wherein said software for extracting a second source address from said encapsulated data according to said protocol comprises automatically determining the format of said second protocol based upon an analysis of data encapsulated in said packets, and by comparison to data patterns for known protocols (See Celebioglu, paragraph 0019).

18. Referring to claim 14, Kawanaka and Celebioglu disclose all the limitations (See rejection of claim 1) including upon detecting network address duplication determining the MAC address of the device, this interpreted as using said extracted second source address in a name server query; receiving a name associated with said first source

address in response to said name server query; and providing received name in said error log (See Kawanaka, Col. 3, lines 22-28).

19. Referring to claim 15, Kawanaka and Celebioglu teach all the limitations (See rejection of claim 6) including detection functions even when the network contains a WAN, this is interpreted as wherein said software for using said extracted second source address in a name server query comprises using said second source address in an Internet Domain Name Service Query (See Kawanaka, Col. 3, lines 22-31).

20. Referring to claim 16, Kawanaka and Celebioglu disclose all the limitations (See rejection of claim 1) including updating the NSAP-MAC address table, this is interpreted as software for commanding one or more devices sharing said duplicate address to assume an alternate network address (See Kawanaka, Col. 5, lines 1-22).

21. Referring to claim 17, Kawanaka teaches a device for automatically detecting a data transmission unit with a duplicated network address and displaying an address duplication message, this is interpreted as a system for providing enhanced error information for duplicated addresses in a computer network (See Col. 1, lines 8-13 and Col. 5, lines 12-13). Kawanaka teaches receiving a packet and extracting identification and address information, and searching a previously prepared table for identification and address information for comparison, this is interpreted as a packet receiver configured for receiving a plurality of packets encoded according to a first protocol, a

first protocol analyzer configured to extract a first source address from said packets according to said first protocol; and a duplicate address detector for determining that said first source address is a substantial duplicate of a known assigned address (See Col. 3, lines 1-12). Finally Kawanaka teaches displaying an address duplication message, this is interpreted as a data logger configured to provide said first source address to an error log which is reviewable by a system administrator in order to facilitate correction of said duplicate assigned address (See Col. 5, lines 12-13).

Kawanaka does not disclose said packets encapsulating data encoded according to a second protocol; a second protocol analyzer for extracting a second source address from said encapsulated data according to said second protocol responsive to determination of said first source address being a duplicate address ; and the data logger said second source address to the error log, however Kawanaka does teach the system being compatible with the OSI model with seven layers (See Col. 4, lines 8-17). Celebioglu teaches detecting a first protocol and a second protocol associated with a packet; and accessing the header of the first protocol and the header of the second protocol within the packet which includes destination and origination addresses (See paragraph 0004 and 0019). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the extracting of the address upon duplicated addresses of Kawanaka, with the two protocols both with addresses of Celebioglu. This would have been obvious to one of ordinary skill in the art at the time of the invention packets include protocols from multiple layers, from physical layer and data link layer to network layer and transport layer (See Celebioglu, paragraphs 0025 to 0030).

22. Referring to claim 18, Kawanaka and Celebioglu teach all the limitations (See rejection of claim 1) including the protocols including Fibre Channel, Ethernet, Internet Protocol and point-to-point, this is interpreted as wherein said first protocol analyzer is configured to analyze data encoded according to a protocol selected from the group of Ethernet, Bluetooth, Universal Serial Bus, Internet Protocol, Wireless local area network, Point-to-Point Protocol, Fiber Distributed Data Interface, Asynchronous Transfer Mode, and Fiber Channel (See Kawanaka, Col. 4, lines 8-17 and Celebioglu, paragraphs 0025 to 0030).

23. Referring to claim 19, Kawanaka and Celebioglu teach all the limitations (See rejection of claim 1) including the protocols including Fibre Channel, Ethernet, Internet Protocol and point-to-point, this is interpreted as wherein said second protocol analyzer is configured to analyze data encoded according to a protocol selected from the group of Ethernet, Bluetooth, Universal Serial Bus, Internet Protocol, Wireless local area network, Point-to-Point Protocol, Fiber Distributed Data Interface, Asynchronous Transfer Mode, and Fiber Channel (See Kawanaka, Col. 4, lines 8-17 and Celebioglu, paragraphs 0025 to 0030).

24. Referring to claim 20, Kawanaka and Celebioglu discloses all the limitations (See rejection of claim 1) including detecting other protocols using other headers beyond the first and second, this is interpreted as further comprising one or more subsequent

protocol analyzers configured to extract one or more subsequent source addresses from data further encapsulated by said second protocol according to one or more subsequent protocols; and providing said subsequent sources addresses in an error log (See Celebioglu, paragraph 0019).

25. Referring to claim 21, Kawanaka and Celebioglu teach all the limitations (See rejection of claim 1) including the packet including an indication of protocol that may be used to determine one or more protocols associated with the packet, this is interpreted as wherein said second protocol analyzer is configured to automatically determine the format of said second protocol based upon an analysis of data encapsulated in said packets, and by comparison to data patterns for known protocols (See Celebioglu, paragraph 0019).

26. Referring to claim 22, Kawanaka and Celebioglu disclose all the limitations (See rejection of claim 1) including upon detecting network address duplication determining the MAC address of the device, this interpreted as a name retriever adapted to use said extracted second source address in a name server query; a name query response receiver for receiving a name associated with said first source address in response to said name server query; and providing received name in said error log (See Kawanaka, Col. 3, lines 22-28).

27. Referring to claim 23, Kawanaka and Celebioglu teach all the limitations (See rejection of claim 6) including detection functions even when the network contains a WAN, this is interpreted as wherein said name retriever is configures to use said extracted second source address in a name server query comprises using said second source address in an Internet Domain Name Service Query (See Kawanaka, Col. 3, lines 22-31).

28. Referring to claim 24, Kawanaka and Celebioglu disclose all the limitations (See rejection of claim 1) including updating the NSAP-MAC address table, this is interpreted as further comprising a networked device commander configured to command one or more networked devices sharing said duplicate address to assume an alternate network address (See Kawanaka, Col. 5, lines 1-22).

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are closely related address duplication systems.

U.S. Patent 6,671,828 to Tursich

U.S. Patent 2004/0133761 to Goodman

U.S. Patent App. Pub. 2004/0174904 to Kim et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Manoskey whose telephone number is (571) 272-3648. The examiner can normally be reached on Mon.-Fri. (7:30am to 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDM
September 29, 2006

